



Attorney Docket No. MONT-059/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joan M. Henson *et al.*

Confirmation No. 1218

Application No. 10/602,546

Group Art Unit: 1651

Filed: June 23, 2003

Examiner: Irene Marx.

For: USE OF ENDOPHYTIC FUNGI TO TREAT PLANTS

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

SECOND AMENDMENT AND RESPONSE AFTER FINAL UNDER 37 C.F.R. § 1.113

This paper responds to the Final Office Action dated September 6, 2006, and the Advisory Action dated December 20, 2006. A one month extension of time is hereby requested, thereby making the time to respond January 6, 2007.

Applicants have concurrently filed herewith a Notice of Appeal thereby extending the possible response time beyond March 20, 2007, with the option to pay any additional, applicable extension of time fees if necessary.

Applicants respectfully request reconsideration of this application in view of the following amendments and remarks. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Specifically, this amendment newly cancels claims 11 and 12.

Remarks/Arguments begin on page 4 of this paper.